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SUPREME COURT, U.S.

IN THE UNITED STATES SUPREME COURT

OCTOBER TERM 1978

NO.

78-6095LARRY GRIFFITH,

Petitioner,

against,

STATE OF ARIZONA,

Respondent.

IN PROPRIA PERSONAPETITION FOR WRIT OF CERTIORARITO THE ARIZONA SUPREME COURT

Prepared by;

Richard R. Sauter, Esq.
Jailhouse Lawyer
Arizona State Prison
P.O. Box B 32610
Florence, Arizona 85232Name Larry Griffith
P.O. Box B 32639
Florence, Arizona 85232

In Propria Persona

I

JURISDICTION

This courts jurisdiction is invoked pursuant to 28 U.S.C. 1257.

II

OPINION BELOW

Petitioners application for Special Action was denied on the 9 day of JAN, 1978 (without an evidentiary hearing). The order denying said application is attached hereto as Appendix A.

III

QUESTION PRESENTED

WHETHER THE DUE PROCESS CLAUSE OF THE 14th AMENDMENT TO THE U.S. CONSTITUTION EXTENDS TO PAROLE RELEASE DETERMINATIONS AND, IF SO, WHETHER THE SAFEGUARDS CURRENTLY AVAILABLE UNDER APPLICABLE ARIZONA LAW CONSTITUTIONALLY ADEQUATE?

IV

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. CONSTITUTION:

14th Amendment.

ARIZONA CONSTITUTION:

Article 2, Section 4.

V

REASON WRIT SHOULD BE GRANTED

THE DUE PROCESS CLAUSE OF THE 14th AMENDMENT EXTENDS TO PAROLE DETERMINATIONS IN THAT THE SAFEGUARDS CURRENTLY AVAILABLE UNDER APPLICABLE ARIZONA LAW ARE CONSTITUTIONALLY INADEQUATE.

At the outset it should be noted that the U.S. Court of Appeals for the Ninth Circuit, has succinctly stated, many years ago, that determinations by a parole board cannot be arbitrary, basically unfair, or invidiously discriminatory. The court also made it clear that the time an inmate must serve in prison must be determined in a manner consistent with the federal constitution. STURM v. CALIFORNIA ADULT AUTHORITY, (9th Cir. 1968) U.S. 446, 449, 450.

Other courts holding that due process applies to parole determination hearings are;

1. HILL v. ATTORNEY GENERAL OF THE U.S., (3rd Cir. 1977) 550 F.2d 901.

2. FRONCZAK v. WARDEN, EL RENO REFORMATORY, (10th Cir. 1977) 553 F.2d 1219.

In the present case the petitioner appeared before the parole board on the day of Oct, 1978, at which time his application for parole was denied.

In denying parole the parole board failed to:

- (a) give petitioner advance written notice of the factors that the board would consider at the hearing. (see, e.g., WILLIAMS v. MISSOURI BOARD OF PROBATION & PAROLE, (8th Cir. 1978) 24 CRL 2230.
- (b) keep a record of the proceedings that could be reduced to written form in order for petitioner to have proper judicial review.
- (c) furnish petitioner with a full and fair explanation of it's reason(s) for denying petitioner parole.
- (d) publish and distribute to petitioner it's guidelines (factor/criteria) relied on in parole determination hearing or mandated by administrative procedure Act.
- (e) give reasons for parole which do substantially relate to the parole board guidelines, (factor/criteria) if any, they relied on in denying/deciding petitioners application for parole.
- (f) advise petitioner of the reason(s) for denial so that he could appropriately adjust his future conduct, to enable him to be granted parole at his next hearing.

Petitioner submits that the above cited failure by the Arizona Parole Board falls within the ambit of; INMATES OF NEBRASKA PENAL AND CORRECTIONAL COMPLEX v. GREENHOLTZ, 23 CRL 2265, 576 F.2d 1274.

VI

CONCLUSION

Because of the foregoing reasons, the Writ of Certiorari should be granted.

Copy of the foregoing Pet. for Writ of Cert. mailed this 22nd day of January, 1979 to:

Office of the Attorney General
200 State Capitol Building
Phoenix, Arizona 85007

I, Larry G. Griffith, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 17th DAY OF JAN, 1979

John W. Engel
NOTARY PUBLIC

MY COMMISSION EXPIRES
AUGUST 11, 1982

Respectfully submitted

Larry Griffith

Larry Griffith

Supreme Court
STATE OF ARIZONA
Phoenix
85007

Received 1-12-79

January 10, 1979

STATE OF ARIZONA,

Respondent,

vs.

LARRY GRIFFITH,

Petitioner.

Supreme Court
No. M-241

The following action was taken by the Supreme Court of the State of Arizona
on January 9, 1979 in regard to the above-entitled cause:

"ORDERED: The Court declines to accept jurisdiction
of the Petition for Special Action."

CLIFFORD H. WARD, Clerk

By

Larry Sanchez
Deputy Clerk

TO: Larry Griffith, Arizona State Prison, Box B-32639, Florence,
Arizona 85232
Hon. Robert K. Corbin, Attorney General, 200 State Capitol Building,
Phoenix, Arizona 85007 Attn: Robert F. Ellig
Charles F. Hyder, Maricopa County Attorney, 101 West Jefferson Street
Phoenix, Arizona 85003

APPENDIX 'A'